

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON, MASSACHUSETTS

)Civil Action: 05-11063-RGS
WALDIR DACOSTA)
)
)
Plaintiff)
)
v.)
)
MICHAEL CHERTOFF)
Secretary,U.S. Department)
of Homeland Security;)
EDUARDO AGUIRRE, JR.)
Director, U.S. Citizenship)
And Immigration Services,)
DENIS RIORDAN, Boston District)
Director, U.S. Citizenship)
and Immigration Services)
Defendants)
_____)

PLAINTIFF'S STATEMENT OF MATERIAL FACTS OF RECORD

Pursuant to Local Rule 56.1, the Plaintiff, Waldir DaCosta (the Plaintiff"), hereby provides the following statement of contested material facts of record.

1. Sometime after December 9, 2001, the date on which the Plaintiff's I-140 Employer Petition was approved, the United States Citizenship and Immigration Services ("USCIS") questioned whether the Plaintiff had the necessary work experience. Declaration of Denis Riordan ("Riordan Decl." at 1).

2. The Plaintiff filed his I-485 Application to
obtain a green card in February 2002 based upon
his I-140 Approval
3. USCIS commenced its investigation into the
matter on March 10, 2005.
4. The Plaintiff has waited well in excess of three
years for an adjudication on his I-485
Application.

Respectfully submitted,

The Plaintiff
Waldir DaCosta
By his Attorneys

/s/Susan E. Zak

Susan E. Zak
BBO 568044
LAW OFFICE OF JOHN K.
DVORAK
P.O. Box 8788
Boston, MA 02114

CERTIFICATE OF SERVICE

I, Susan E. Zak , Attorney for the Plaintiffs hereby certify that on November 9,2005 I served a copy of the Plaintiff's Statement of Material Facts in Opposition to Defendant's Motion to Dismiss or in the Alternative, Summary Judgment, via first-class mail to:

Michael Sady, Esq.
U.S. Attorney General Office
United States Federal Court
1 Courthouse Way
Suite 9200
Boston, MA 02210

/s/ Susan E. Zak11/09/05

Susan E. Zak, Esq.
LAW OFFICE OF JOHN K. DVORAK,,
P.O. Box 8788
180 Canal Street, 4th Floor
Boston, MA 02114